

NOTICE OF INTENT
Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.Chapter 4 and LAC 33:V.517 and 5111 (Log #HW071P).

The proposed rule applies to any permit for a new, non-existent commercial hazardous waste treatment, storage, or disposal facility. The rule will establish criteria to assess the impact of the facility on the citizens in the surrounding area, the local infrastructure, and on the environment. A siting fee equaling five percent of the application fee, authorized by R.S. 30:2178, is also established. This regulation is proposed in response to the March 19, 1999, Consent Decree and Petition for Rulemaking in the 19th Judicial District Court, Honorable Janice Clark, Judge Presiding. The basis and rationale for the proposed rule are to comply with R.S. 30:2178. Although there presently exist sufficient regulations to meet this statutory requirement, in an abundance of caution and in an effort to provide additional clarity and assistance to the regulated community and the public, the Department has decided to initiate rulemaking in response to the Petition as it related to this statute.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on October 25, 2000, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by HW071P. Such comments must be received no later than November 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW071P.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityCHazardous Waste

Chapter 4. Requirements for Commercial Treatment, Storage, and Disposal Facility Permits

' 401. Applicability

This Chapter applies to proposed, nonexistent, commercial hazardous waste treatment, storage, and disposal (TSD) facilities. Existing facilities seeking major modification, permit renewal, conversion of noncommercial status to commercial, or interim permit to final permit status are not subject to the requirements in this Chapter. All other requirements in LAC 33:V for hazardous waste facilities also apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26.

' 403. Definitions

A. The definitions used in this Chapter are intended to apply to commercial hazardous waste facilities. Terms not defined herein shall have the meanings given them in LAC 33:V.109.

Aquifer Recharge Zone—a land area in which water reaches the zone of saturation from surface infiltration (e.g., an area where rainwater soaks through the earth to reach an aquifer).

Day Care Center—any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of seven or more children not related to the caregiver and unaccompanied by parent or guardian on a regular basis for at least 20 hours in a continuous seven-day week.

Entertainment Facility—any place where the primary purpose is to amuse, please, or provide hospitality to patrons or guests.

Food Storage Area—any facility or structure used to store or contain any foodstuff for human or animal consumption.

Hospital—a medical institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor.

Nursing Home—a private home, institution, building, residence, or other place, serving two or more persons who are not related by blood or marriage to the operator, whether operated for profit or not, and including those places operated by a political subdivision of the state of Louisiana, which undertakes, through its ownership or management, to provide maintenance, personal care, or nursing for persons who, by reason of illness or physical infirmity or age, are unable to properly care for themselves.

Prison—a state or federal facility of confinement for convicted criminals, especially felons.

Public Building—a building or appurtenance to a building that is built in whole or in part or leased with public monies. Examples include, but are not limited to, federal, state, or parish office buildings, courthouses, post offices, custom houses, public record centers, public libraries, public schools, appraisers' stores, and transportation facilities that accommodate traveling passengers.

Residential Area—those areas where people live or reside including the property on which housing is located, as well as playgrounds, roadways, sidewalks, parks, and other similar areas within a residential community.

School—any profit or nonprofit, public or private, day, night, or residential school that provides elementary, secondary, college, or post-graduate education as determined under state law or any school of any agency of the United States.

Wetland—open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wildlife Management Area—any area set aside, maintained, and supervised by the Louisiana Department of Wildlife and Fisheries for the purpose of managing and harvesting wild birds, wild quadrupeds, fish, and other aquatic life under controlled conditions to afford maximum hunting and fishing opportunity.

Wildlife Preserve—any area set aside and designated by the Louisiana Department of Wildlife and Fisheries as a refuge on which wild birds and animals are protected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26.

' 405. Requirements for Commercial TSD Facilities

A. Secretary's Site Assessment and Report

1. The secretary shall assess the impact of the location of a commercial hazardous waste treatment, storage, or disposal facility on the citizens of the surrounding area, the local infrastructure, and the environment. The secretary shall issue a site assessment report summarizing his findings.

2. The site assessment shall be based upon information in the record including, but not limited to, information required by the regulations to be submitted by the permit applicant. Information regarding the topics listed under "Information Required" in Table 1 identifies and summarizes appropriate information for the site assessment. The "Regulatory Citation" section of the table identifies some of the regulatory requirements to submit information in the part II hazardous waste permit application.

3. In addition to all other requirements, the permit applicant shall submit a stand-alone document entitled "Commercial Siting Assessment Report," certified in accordance with LAC 33:V.513, that addresses the siting and location issues. In addition to the information otherwise required by the regulations to be submitted as part of the permit application, the applicant's report shall provide sufficient information to address the topics in Table 1. The applicant shall expand these issues or elaborate its response as may be appropriate for some types of TSD facilities.

Table 1 Statutory Requirements			
Item	Statutory Citation [All found in R.S. 30:2178]	Information Required	Regulatory Citation [All found in LAC 33:V]
<u>1¹</u>	<u>A</u>	<u>Roads and transportation</u>	<u>' 517.K</u> <u>' 517.T.6.e</u> <u>' 1503.C.1</u> <u>' 1513</u>
<u>2¹</u>	<u>A</u>	<u>Schools</u>	<u>' 517.B.5</u> <u>' 517.T.6.a</u>
<u>3¹</u>	<u>A</u>	<u>Medical institutions</u>	<u>' 517.B.5</u> <u>' 1503.C.2</u> <u>' 1513</u>
<u>4¹</u>	<u>A</u>	<u>Police and fire departments</u>	<u>' 1503.C.2</u> <u>' 1513</u>
<u>5²</u>	<u>B.(2)(a)(i)</u>	<u>Wetlands</u>	<u>' 517.T.5.a</u> <u>' 1503.B.6</u>
<u>6²</u>	<u>B.(2)(a)(ii)</u>	<u>Wildlife management area or wildlife preserve</u>	<u>' 517.T.5.a</u> <u>' 1503.B.6</u> <u>' 3307.B.1.h</u> <u>' 3307.B.2.i</u>
<u>7²</u>	<u>B.(2)(a)(iii)</u>	<u>Aquifer recharge zone</u>	<u>' 3307.B.2</u>
<u>8²</u>	<u>B.(2)(b)(i)</u>	<u>Schools or day care centers</u>	<u>' 517.B.5</u> <u>' 517.T.6.a</u>
<u>9²</u>	<u>B.(2)(b)(ii)</u>	<u>Hospitals or nursing homes</u>	<u>' 517.B.5</u> <u>' 517.T.6.a</u>
<u>10²</u>	<u>B.(2)(b)(iii)</u>	<u>Food storage area</u>	<u>' 517.B.5</u> <u>' 2703.I</u> <u>' 2709</u> <u>' 3203A.9</u>
<u>11²</u>	<u>B.(2)(b)(iv)</u>	<u>Public buildings or entertainment facilities</u>	<u>' 517.B.5</u>
<u>12²</u>	<u>B.(2)(b)(v)</u>	<u>Residential area</u>	<u>' 517.B.5</u> <u>' 517.T.6.a</u>
<u>13²</u>	<u>B.(2)(b)(vi)</u>	<u>Prisons</u>	<u>' 517.B.5</u> <u>' 517.T.6.a</u>

<u>14</u> ^{2,3}	<u>B.(2)(b)(vii)</u>	<u>Number and density of existing hazardous and solid waste disposal facilities and inactive and abandoned hazardous waste sites</u>	<u>' 515.A.15</u>
<u>15</u> ^{2,3}	<u>B.(2)(b)(viii)</u>	<u>Number and density of industries that discharge any hazardous substances</u>	<u>' 515.A.15</u>
<u>16</u> ⁴	<u>B.(2)(b)(ix)</u>	<u>Existing community health problem</u>	<u>' 3203.A.8</u> <u>' 3203.B.10</u> <u>' 3203.C.6</u>
<u>17</u> ⁵	<u>B.(2)(c)</u>	<u>Impact on economic development</u>	<u>' 517.T.6.c</u>

¹ Items 1 - 4 denote issues that may also be addressed through the local governmental subdivision Infrastructure Assessment Report; however, the applicant must respond in sufficient detail to assist local government with the preparation of this report.

² The applicant's responses to Items 5 - 15 must include an aerial photograph clearly identifying all required information as of the date of the submittal. The aerial photograph must extend two miles beyond the property line at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). The photograph date, scale, and orientation (north arrow) must be clearly identified on it.

³ The applicant's responses to Items 14 - 15 must include, at a minimum, name, address, facility type (e.g., hazardous waste disposal facility, solid waste disposal facility, inactive and abandoned waste site, industrial code), waste/substance descriptions, type(s) of discharge permit(s), source of information, and documentation of the extent of the applicant's efforts to identify such facilities. Applicant must also discuss density of existing facilities in the two-mile area and make comparisons as appropriate.

⁴ The applicant's response to Item 16 must be answered in sufficient detail to assist the department in making a site assessment determination. The applicant must identify any existing community health problems that may be aggravated by the operation of a commercial hazardous waste disposal facility and include documentation of the extent of the applicant's efforts to identify such problems.

⁵ The applicant's response to Item 17 must identify all potential positive and negative impacts on economic development and include documentation of the extent of the applicant's efforts to identify such impacts.

B. Specific Site Requirements for Commercial Facilities

1. Proximity and Location of Waste Management Units

a. No waste management unit shall be located within 200 feet of an environmentally sensitive area including, but not limited to:

- i. a wetland;
- ii. a wildlife management area or preserve; or
- iii. an aquifer recharge zone.

b. No waste management unit shall be located within 200 feet of any area that may result in an undue risk to human health including, but not limited to:

- i. a school or day care center;
- ii. a hospital or nursing home;

- iii. a facility or structure used to store or contain foodstuffs for human or animal consumption;
- iv. a public building or entertainment facility;
- v. a residential area;
- vi. a prison;
- vii. other hazardous waste disposal facilities, solid waste disposal facilities, and inactive and abandoned hazardous waste sites;
- viii. other industrial facilities that discharge hazardous or toxic substances into the air or water; or
- ix. a preexisting community health problem that may be aggravated by the operation of a commercial hazardous waste disposal facility.

c. No waste management unit shall be located in such a manner so as to preclude the further economic development of the area.

2. The administrative authority may approve, on a case-by-case basis, an alternative to the requirements in Subsection B.1.a. or b of this Section if the applicant can affirmatively demonstrate that as a result of site-specific circumstances, the location of the proposed waste management unit will not adversely impact an environmentally sensitive area, impose an undue risk to human health, or preclude further economic development of the area.

3. The siting assessment, as determined by this Section, does not preclude any requirements the permit applicant must meet in order to satisfy local zoning ordinances in place at the time the application is submitted to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26.

' 407. Guidelines for the Infrastructure Assessment Report Prepared by Local Government

A. The purpose of the Infrastructure Assessment Report shall be to adequately assess the capability of the local communities to effectively manage and monitor the ongoing operations of the proposed commercial facility and to respond to emergencies that may potentially threaten the health, safety, or welfare of the communities or any of their inhabitants.

B. The secretary shall submit a written request to the appropriate local governmental representative for a report detailing the impact of the proposed facility on the local infrastructure including, but not limited to, roads and transportation systems, schools, medical institutions, police and fire departments, economic development, and such matters as the local government may determine will be impacted by the facility. A copy of the applicant's Commercial Siting Assessment Report, as required by this Chapter, will be provided to the local governmental subdivision. This request shall be made as soon as the permit application is deemed administratively complete and shall allow local government 180 days to provide the Infrastructure Assessment Report. The administrative authority may allow local government additional time to submit the report if a written request, which provides justification for the extension, is received prior to the 180 day deadline; however, in no case shall an extension be granted that extends beyond the date of the evidentiary hearing.

C. The Infrastructure Assessment Report may propose alternate siting for the facility and propose actions to mitigate any infrastructure deficiencies found by the report.

D. Any Infrastructure Assessment Report prepared by the local governmental subdivision shall be submitted prior to the evidentiary hearing held in accordance with LAC 33:V.709. The department may request additional supporting information from the local governmental subdivision or permit applicant before using the report for the secretary's assessment of the suitability of the proposed commercial hazardous waste TSD site.

E. The secretary may reimburse the local governmental subdivision for reasonable and necessary costs of preparation of the Infrastructure Assessment Report, provided the reimbursement request is made in writing and supported with documentation of report preparation costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178 and R.S. 30:2182.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division LR 26.

' 409. Departmental Action on Commercial Hazardous Waste TSD Permit Applications

A. The secretary's report shall be issued in conjunction with the draft permit decision for commercial hazardous waste treatment, storage, or disposal facilities. The report will assess the impact of the location of the facility on the citizens in the surrounding area, the local infrastructure, economic development, and on the environment. The sources of information for the report include the permit application contents required in LAC 33:V, the Infrastructure Assessment Report prepared by the local governmental subdivision, and other information sources as appropriate.

B. Based upon information supplied in the permit application and other information sources, as appropriate, the department shall assess site suitability. Consideration shall be given to the following:

1. the number and density of existing hazardous waste disposal facilities in an area extending two miles from the facility property line;
2. the number and density of solid waste disposal facilities in an area extending two miles from the facility property line;
3. the number and density of inactive and abandoned hazardous waste sites in an area extending two miles from the facility property line;
4. the number and density of existing industrial facilities that discharge hazardous or toxic substances into the air or water in an area extending two miles from the facility property line;
5. the existence of any community health problem in the area that may be aggravated by the operation of a commercial hazardous waste disposal facility;
6. the negative impact of the proposed facility on economic development of the area by adjacent businesses or industries;
7. whether the area is environmentally sensitive (see LAC 33:V.405.B.1.a); and
8. whether the proximity of the facility may pose undue health risks (see LAC 33:V.405.B.1.b).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division LR 26.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityCHazardous Waste

Chapter 5. Permit Application Contents

Subchapter D. Part II General Permit Information Requirements

§517. Part II Information Requirements (the Formal Permit Application)

The formal permit application information requirements presented in this Section reflect the standards promulgated in LAC 33:V.Subpart 1. These information requirements are necessary in order to determine compliance with all standards. Responses and exhibits shall be numbered sequentially according to the technical standards. The permit application must describe how the facility will comply with each of the sections of LAC 33:V.Chapters 15-37 and 41. Information required in the formal permit application shall be submitted to the administrative authority and signed in accordance with requirements in LAC 33:V.509. The description must include appropriate design information (calculations, drawings, specifications, data, etc.) and administrative details (plans, flow charts, decision trees, manpower projections, operating instructions, etc.) to permit the administrative authority to determine the adequacy of the hazardous waste permit application. Certain technical data, such as design drawings, specifications, and engineering studies, shall be certified by a Louisiana registered professional engineer. If a section does not apply, the permit application must state it does not apply and why it does not apply. This information is to be submitted using the same numbering system and in the same order used in these regulations:

* * *

[See Prior Text in A –B.4]

5. surrounding land uses (residential, commercial, agricultural, recreational, public) such as schools, day care centers, hospitals, nursing homes, prisons, libraries, etc.;

[Comment: A map or aerial photograph showing surrounding land use for the area within two miles of the site is required.]

* * *

[See Prior Text in B.6 - T.6]

a. map or aerial photograph showing all buildings identified as residential, commercial, industrial, or public (schools, day care centers, hospitals, nursing homes, prisons, libraries, etc.);

* * *

[See Prior Text in T.6.b -W]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178 and 2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 13:433 (August 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), LR 24:1691 (September 1998), LR 25:436 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1465 (August 1999), LR 25: 1799 (October 1999), LR 26.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 51. Fee Schedules

§5111. Calculation of Application Fees

A. The applicant is required to calculate ~~his~~ the appropriate application fee, ~~and~~ research and development fee, and if applicable, siting fee according to the schedule included in the permit application form. Payment of this fee must be attached to the application.

* * *

[See Prior Text in B - D]

E. Siting Fee. This fee will be applicable to new commercial hazardous waste treatment, storage, and disposal facilities. This fee will be used to assess the impact of the location of the facility on the citizens in the surrounding area, the local infrastructure, and on the environment. A portion of this fee shall be allocated to the local governmental subdivision for the preparation of an infrastructure assessment report as determined by the secretary. When siting a commercial facility, the secretary shall determine whether the local governmental subdivision should be compensated for any reasonable and necessary cost for preparation of the infrastructure report:

Application Fee x 0.05 = Siting Fee

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq and 2178.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

LOG #: HW071P

Person

Preparing

Statement: Patsy DeavillePhone: (225) 765-0399

Dept.:

Environmental Quality

Office:

Environmental Assessment

Return

Address: P.O. Box 82178Baton Rouge, LA 70884

Rule

Title:

Additional Requirements for
Commercial Hazardous Waste
Treatment, Storage or Disposal
Facilities LAC 33:V. Chapter 4, and ' 517 and
5111

Date Rule

Takes Effect: Upon Promulgation**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Local governmental units may experience costs associated with preparation of the Infrastructure Assessment Report requested by the secretary. These costs may be reimbursed by the department using the existing permit fee structure. At present, the department is not aware of any plans to submit a permit application for a new commercial hazardous waste facility. Depending on the size and complexity of the facility, a consultant could charge an estimated \$10,000 - \$50,000 for preparation of the report. There may be an increase in the department's workload due to preparation of the secretary's site assessment report.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Although there is the potential for an increase in state revenue as a result of the proposed new 5% siting fee, the department is not aware of any plans to submit a permit application for a commercial hazardous waste treatment, storage, or disposal facility. Therefore, no increase in revenue is anticipated for the foreseeable future.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Applicants for commercial hazardous waste permits will experience increased costs and workload in the preparation of a stand-alone Commercial Siting Assessment document that supplements the permit application. In addition, the applicant will be assessed a siting fee which equals 5% of the application fee. There is no way to accurately predict what an application fee will be for a future site. The average new siting fee could fall within the range of \$775- 5,500. Conceivably, the applicant may also experience increased costs for the purchase of additional property to satisfy the 200 foot buffer requirement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is expected as a result of this rule.

Signature of Agency Head or Designee
James H. Brent, Ph.D., Assistant Secretary
Typed Name and Title of Agency Head
or Designee

Legislative Fiscal Officer or Designee

Date of Signature
LFO 7/1/94

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule applies to any permit application for a new, non-existent commercial hazardous waste treatment, storage or disposal facility. The rule will establish criteria to assess the impact of the facility on the citizens in the surrounding area, the local infrastructure, and on the environment. A siting fee equaling 5% of the application fee, authorized by La. R. S. 30:2178, is also established.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This regulation will be proposed in response to the March 19, 1999, Consent Decree and Petition for Rulemaking in the 19th JDC, Honorable Janice Clark, Judge Presiding. The statutory requirement for the rule is R.S. 30:2178.

- C. Compliance with Act II of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, there will be no increase in the expenditure of funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?
- (a) ____ Yes. If yes, attach documentation.
- (b) ____ No. If no, provide justification as to why this rule change should be published at this time.

WORKSHEET

I.

A.

COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1.

What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated change in costs to implement the proposed action.

COSTS	FY 00-01	FY 01-02	FY 02-03
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.			
POSITIONS(#)	0	0	0

2.

Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be an increase in the department's workload due to preparation of the secretary's site assessment report. This increase can be absorbed by existing staff.

3.

Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	0	0	0

4.

Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No additional funding is necessary to implement the proposed rule.

B.

COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1.

Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

Local governmental units may experience costs associated with preparation of the Infrastructure Assessment Report requested by the secretary. At present, the department is not aware of any plans to submit a permit application for a new commercial hazardous waste facility. Depending on the size and complexity of the facility, a consultant could charge an estimated \$10,000 - \$50,000 for preparation of the report.

2.

Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

The department is required to request the Infrastructure Assessment Report , but municipal facilities are not bound to provide the report. The department may reimburse a portion of the municipalities’ costs associated with the preparation of this report, not to exceed the proposed facility siting fee.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
<u>LOCAL FUNDS</u>			
<u>TOTAL</u>	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This section is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Applicants for new commercial hazardous waste permits will experience increased costs and workload in the preparation of a stand-alone Commercial Siting Assessment document that supplements the permit application. In addition, the applicant will be assessed a siting fee which equals 5% of the application fee. There is no way to accurately predict what an application fee will be for a future site. However, based upon department historical financial data for application fees, the new siting fee could fall within the range of \$775- 5,500. Conceivably, the applicant may also experience increased costs for the purchase of additional property to satisfy the 200 foot buffer requirement.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This section is not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No effect on competition or employment is expected as a result of this rule.